THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1498 OF 2005

AND

WRIT PETITION NO.19166 OF 2002

Date: 30-08-2005

WRIT APPEAL NO.1498 OF 2005

Between:

Gulla Chellam Dora …Appellant

And

The District Collector and others …Respondents

WRIT PETITION NO.19166 OF 2002

-

Between:

Gulla Chellam Dora …Petitioner

And

District Collector and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1498 OF 2005

AND

WRIT PETITION NO.19166 OF 2002

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ):

The writ appeal is filed against the order of the learned Single Judge, who has vacated the stay granted by the Court earlier.

Heard learned counsel for the parties. With their consent, at this stage, we decide the writ appeal along with the writ petition.

The controversy is very short. The respondents are laying down a road. The petitioner is aggrieved of it on the ground that the road is being laid over the land owned and possessed by the petitioner. The respondents claim that the petitioner had gifted away 0.27 cents of land for construction of houses for weaker sections of

the society. The site has been handed over to the respondents, who have already prepared a lay out, allotted the sites to the beneficiaries and the road which is being proposed is being laid within the land of 0.27 cents gifted by the petitioner. The petitioner does not dispute gifting away of 0.24 cents of land to the respondents. But, he submits that the road is not being laid down over the gifted land, but some of his land other than the gifted land is being used for it. This is disputed by the other side. So the real question is whether the road is being laid over the land gifted by the petitioner or not. This is a question of fact, which this Court would not be able to decide in these proceedings. Therefore, the writ appeal as well as the writ petition is dismissed with liberty to the petitioner/appellant to seek any remedies available to him in law for redressal of his grievance. No order as to costs.

_____

(Bilal Nazki, ACJ)

30th August, 2005

_____

(R.Subhash Reddy,J)

-

-

vrn